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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re CHRISTINA P., a Person Coming
Under the Juvenile Court Law.

ALAMEDA COUNTY SOCIAL
SERVICES AGENCY,

Plaintiff and Respondent,

v.

CLARK P.,

Defendant and Appellant.

A125166

(Alameda County
Super. Ct. No. OJ07007785)

In this dependency proceeding involving minor Christina P.¹ (Christina), the juvenile court terminated reunification services for Christina’s parents, Mary W. (Mother) and Clark P. (Father) pursuant to Welfare and Institutions Code² section 366.22, subdivision (a), and selected a permanent plan of “placement with [a group home] and a specific goal of a less restrictive foster setting” The court authorized visitation between Christina and Mother, but did not authorize visitation by Father. Instead, the

¹ For the reasons set forth in *In re Edward S.* (2009) 173 Cal.App.4th 387, 392, footnote 1, we adopt the practice of using the party’s first name and last initial as required by California Rules of Court, rule 8.400(b)(2).

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

court continued all prior orders in the case, including a restraining order prohibiting Father from contacting Christina.

Father appeals, contending the juvenile court should have granted him visitation rights.³ We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. Detention

In August 2007, Christina, who was then 11 years old, lived with Mother, Father, a 21-year-old sister, Sade B. (Sade), and two minor siblings, S.P. and B.P. Christina also had adult siblings who did not live with her—Valerie P., Vanessa P., Bruce (whose last name does not appear in the record), and Angela W. (Valerie, Vanessa, Bruce, and Angela).

On August 11, 2007, S.P. called the Oakland Police Department because she suspected Father had sexually molested Christina. Christina had told S.P. a man named “Michelangelo” had sexually abused her in the basement. Christina had also told S.P. “Michelangelo” was “[P.],” “[P.]” being the nickname by which the siblings referred to Father. S.P. had further heard Father had sexually molested Angela when she was a minor.

Police officers responded and investigated the family home. The basement was locked; Father provided a key and said the basement was his workshop. The reporting officer noted the basement was outfitted more like an apartment than a workshop, and there was a large, neatly made bed in a corner room of the basement. Based on interviews with S.P. and Christina and the condition of the basement area where Christina said she was molested, the police concluded S.P., B.P. and Christina faced imminent danger and detained them for their own protection.

On August 14, 2007, the Alameda County Social Services Agency (Agency) filed a dependency petition on behalf of Christina, under section 300, subdivision (b) (parental failure to protect the child), and subdivision (d) (sexual abuse).

³ Mother is not a party to this appeal.

At a detention hearing on August 15, 2007, the juvenile court ordered Christina detained. The court found Christina's welfare required she be taken from her parents' custody, continuance in the home would be contrary to Christina's welfare, and reasonable efforts had been made to eliminate the need for removal. Christina was placed in foster care.⁴

B. The Jurisdictional/Dispositional Hearings

On August 27, 2007, Agency filed a jurisdiction/disposition report, in which the child welfare worker (CWW) described the allegations Father had sexually abused Christina and two of her older sisters, Angela and Vanessa. The CWW also noted Christina had psychotic and dissociative symptoms, which can be associated with sexual abuse. To address these symptoms, Christina was attending therapy sessions and receiving psychotropic medication. Mother had suffered a stroke, and the extent of her cognitive difficulties was unclear. Mother appeared to have little power in the family and in her relationship with Father, which put her daughters at risk. Father's criminal history included an arrest on an assault to commit rape charge, and a conviction for involuntary manslaughter.

At a hearing on August 29, 2007, the court entered a temporary restraining order (effective until September 19, 2007) prohibiting Father from contacting Christina. The order was based on the information in the jurisdiction/disposition report, as well as the August 11, 2007 police report.

On September 19, 2007, the court extended the temporary restraining order to October 17, 2007, the scheduled date for the jurisdiction/disposition hearing.

Agency filed an amended petition on October 11, 2007. Agency again alleged jurisdiction under section 300, subdivisions (b) and (d). As to section 300, subdivision (b), the amended petition added an allegation Father had beaten Christina with a belt on

⁴ The court also detained S.P. and B.P. and placed them in foster care. The court later returned S.P. and B.P. to Mother's custody, and Father moved out of the family residence.

her buttocks and slapped her across the face, and an allegation Mother had slapped Christina on the back of her head.

Agency filed an addendum report in October 2007. In that report, the CWW described the allegations of sexual abuse and again recommended finding Christina's removal from the family home was necessary. The CWW noted Christina had said she was molested by Michelangelo and Michelangelo was "[P.]" "[P.]," in turn, was the nickname Christina and her siblings used to refer to Father. However, the CWW also described a conversation in which S.P. mentioned Christina had said Michelangelo was "[P.]" and Christina responded by saying "a lie."

After the October 2007 hearing, the court granted Agency discretion to arrange visitation between Christina and Mother, but not Father. The court continued the contested jurisdiction/disposition hearing to November 28, 2007.

In November 2007, Agency filed a second amended petition. The second amended petition alleged, under section 300, subdivision (b), that Christina faced a substantial risk of serious physical harm because of her parents' inability to supervise or protect her adequately. This allegation was based on: (1) a "reasonable suspicion" Father had sexually molested Christina, based on accusations by S.P. and B.P., as well as the history of allegations Father sexually molested Angela and Vanessa; (2) the exposure of S.P. and B.P. to verbal altercations between the parents; and (3) the parents' failure to provide adequate care for Christina's severe mental health problems. The second amended petition dropped the allegations of sexual abuse under section 300, subdivision (d).

At the November 28, 2007 hearing, Father and Mother submitted on the allegations in the second amended petition and waived their rights to a trial. The court sustained the allegations, ruled Christina was a dependent, ordered Agency to provide child welfare services to Christina, Mother, and Father, and ordered Agency to arrange visitation between Christina and Mother, as well as between Christina and her siblings. The court also entered a Restraining Order After Hearing (effective until April 8, 2008) based on Father's submission to the allegations in the second amended petition, barring

Father from contacting Christina or her siblings. The court further stated Father “agrees to abide by the terms of this restraining order, including moving out of the family residence,” where Mother would reside with S.P. and B.P.

C. Subsequent Review Hearings

1. The Six-Month Review Hearing (April 8, 2008)

Christina was placed at a group home on November 29, 2007. In the status review report for the six-month review hearing, the CWW noted Christina had been diagnosed with psychosis, was participating in individual therapy and was receiving medication for her condition. Christina had shown some improvement at the group home, but still needed assistance with basic daily activities. Christina also told the CWW “‘[P.]’ used to whoop her and her mother.”

The CWW had difficulty contacting Father during the review period. When Father met with the CWW, he did not inquire about Christina’s well-being.

The CWW also concluded Father had only partially complied with his case plan. Agency had received a referral alleging Father had gone to the family home in February 2008, in violation of the restraining order prohibiting contact with Christina’s siblings, and caused a disturbance. (Mother and Christina’s siblings later denied this had occurred.) Father failed to attend a county certified domestic violence program as ordered. Father did complete a sexual offender specific psychological evaluation. The psychologist stated there was evidence Father may be verbally abusive to his daughters and Mother, and noted concerns about Father’s past alcohol use. However, the psychologist stated Father did not appear to be an appropriate candidate for sex offender treatment, because it was unclear an offense had occurred and Father was openly hostile toward treatment. In addition to the psychological evaluation, Father participated in individual therapy sessions. Father continued to deny the allegations of sexual abuse against Christina and physical abuse against Mother, and continued to minimize the severity of Christina’s mental health condition.

At the hearing, Christina’s counsel asked the court to extend the restraining order. Father asked to visit Christina. The court ruled the restraining order would be maintained

because of Christina's mental condition, "unless there is a basis for amending or removing [the restraining order]." The court found Mother and Father had made partial progress in alleviating the problems necessitating Christina's placement, continued reunification services for Mother and Father and extended the restraining order to the next hearing.

2. The 12-Month Review Hearing (September 23, 2008)

In the Agency's report for the 12-month review hearing, the CWW again noted Christina had been diagnosed with psychosis. Her psychiatrist stated he did not foresee her mental state changing significantly in the future. Christina appeared to be very traumatized, and the therapist planned to do intensive trauma work with her. Christina continued to need assistance with basic daily activities in the group home. She also told the therapist Father had hit her with tree branches while Mother watched.

Father still had only partially complied with his case plan. Mother and Father completed parenting classes and psychological evaluations, and participated in individual therapy. They continued to deny the allegations that Father sexually abused Christina and physically abused Mother, and continued to minimize the severity of Christina's mental health condition. Father expressed frustration about having to participate in a domestic violence program. He attended some sessions of a program, but missed one session.

At the hearing, Mother requested family therapy. Father asked to participate. The court pointed out the restraining order prohibited contact between Father and the children but suggested Father could file a petition to modify or withdraw the order. Father's counsel then stated his comments about participating in family therapy "were not directed at the [restraining order]."

At the conclusion of the hearing, the court continued Christina's out-of-home placement. The court again found Mother and Father had made partial progress with their case plans. The court continued reunification services for Mother and Father, and extended the restraining order to the next hearing.

3. The 18-Month Review Hearing (January 29, March 17, and May 26, 2009)

In the report for the 18-month review hearing, the CWW noted Christina continued to have psychological and emotional problems.

The CWW again reported Father had only partially complied with his case plan. Father missed some sessions of his domestic violence program. Mother's therapist reported she overheard a conversation in which Father was verbally abusive to Mother. The CWW stated Father continued to deny the allegations of sexual molestation and domestic violence. During meetings with the CWW, Father did not inquire about Christina's well-being. And despite the restraining order, Father had attempted to communicate with Christina through Mother.

The CWW concluded it would be detrimental for Christina to return home to her parents because they had not "shown their ability to protect her from . . . harm nor their ability to provide adequate care, specifically for her mental health issues." The CWW recommended the court terminate reunification services to Mother and Father, and order a permanent plan of a "planned permanent living arrangement" for Christina.

At the 18-month review hearing on January 29, 2009, the court, at the request of Mother's counsel, set a hearing on the termination of reunification services. The court found Mother and Father had made partial progress with their case plans. The court ordered Agency to arrange for visitation between Christina, Mother, and Christina's siblings.

In a March 2009 addendum report, the CWW reported Christina and her Mother met with the CWW after the January 2009 hearing. Christina tried to get Mother to remember an incident when Father "whooped" Christina for not using an air pump correctly when trying to inflate the tire of her bike. Mother did not recall the incident. In March 2009, Christina's therapist reported Christina was having increased problems with her speech. In the March 2009 report and in a May 2009 addendum report, the CWW again recommended the court terminate reunification services to Mother and Father, and order a "planned permanent living arrangement" for Christina.

A contested 18-month review hearing began on March 17, 2009, and concluded on May 26, 2009. After hearing testimony from the CWW and Father and argument from counsel, the court found by a preponderance of the evidence returning Christina to her parents would create a substantial risk of detriment to her safety, protection or physical or emotional well-being. The court found reasonable services had been provided to Mother and Father, both of whom had made only partial progress to alleviate or mitigate the causes necessitating removal. The court terminated reunification services to Mother and Father.

Pursuant to section 366.22, subdivision (a), the court found by clear and convincing evidence there was a compelling reason for determining a section 366.26 permanency planning hearing was not in Christina's best interest because she was not a proper subject for adoption and there was no one willing to accept legal guardianship. The court instead ordered a permanent plan of "placement with [a group home] and a specific goal of a less restrictive foster setting" The court ordered continued visitation between Christina and Mother, and continued all existing orders. The court thus continued the restraining order and did not grant Father any right to visit Christina after the 18-month review hearing.

The court advised Mother and Father of their right to appeal and of their right to file a section 388 petition "if things progress well." The court stated, "[i]f that happens, the parties can come back to seek for the child to be returned."

Father timely appealed from the court's May 26, 2009 order.

II. DISCUSSION

A. Legal Framework and Standard of Review

Under section 366.22, subdivision (a), at the 18-month permanency review hearing, "[t]he court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child." (§ 366.22, subd. (a).) If a child is not returned to her parent or guardian at the 18-

month review hearing (and the court does not order further reunification services under section 366.22, subdivision (b)), the court must set a section 366.26 permanency planning hearing unless the court “finds by clear and convincing evidence . . . that there is a compelling reason . . . for determining that a hearing held under [s]ection 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship,” in which case the court may order the child remain in foster care. (§ 366.22, subd. (a).) As noted above, the juvenile court made both of these findings (i.e., returning Christina to her parents would be detrimental, and setting a section 366.26 hearing would not be in her best interests), and ordered for Christina a permanent plan of “placement with [a group home] and a specific goal of a less restrictive foster setting”

As to visitation, section 366.22, subdivision (a) provides, when reunification services are terminated at the 18-month review hearing, “[t]he court shall continue to permit the parent or legal guardian to visit the child unless it finds that visitation would be detrimental to the child.” (§ 366.22, subd. (a); *In re Manolito L.* (2001) 90 Cal.App.4th 753, 759.)

The parties disagree as to the standard of review applicable to a section 366.22, subdivision (a), denial of visitation based on detriment to the child. Father argues the substantial evidence standard applies, while Agency contends the standard is abuse of discretion. The law is not entirely clear as to the applicable standard. (Compare *Jennifer A. v. Superior Court* (2004) 117 Cal.App.4th 1322, 1341 [substantial evidence standard applies to order not returning child to parent made under section 366.22, subdivision (a), first paragraph, and based on finding return would be detrimental to child]; & *Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, 708-709 [same]; with *In re Julie M.* (1999) 69 Cal.App.4th 41, 43, 48-49 [abuse of discretion standard applied to order limiting visitation rights issued at six-month review hearing].) We need not address the issue here, as we would affirm even under the substantial evidence standard advocated by Father.

B. Forfeiture

Agency argues Father has forfeited the issues he seeks to raise in this appeal, because he did not appeal the juvenile court's prior orders prohibiting visitation with Christina, did not file a section 388 petition seeking modification of the court's restraining order,⁵ and did not adequately raise the visitation issue at the 18-month review hearing on May 26, 2009. We agree in part.

In dependency proceedings, the dispositional order is an appealable "judgment," and all subsequent orders are appealable (except orders setting a permanency planning hearing under section 366.26). (*In re Meranda P.* (1997) 56 Cal.App.4th 1143, 1149-1150, citing § 395; *In re Daniel D.* (1994) 24 Cal.App.4th 1823, 1832-1833.) Accordingly, "an unappealed disposition or postdisposition order is final and binding and may not be attacked on appeal from a later appealable order." (*In re Meranda P.*, *supra*, 56 Cal.App.4th at p. 1150; accord, *In re Liliana S.* (2004) 115 Cal.App.4th 585, 589.)

Here, the court issued a temporary restraining order against Father on August 29, 2007, and entered it as an order after hearing on November 28, 2007, in connection with the combined hearing on jurisdiction and disposition. At subsequent hearings, including the six-month review hearing on April 8, 2008, and the 12-month review hearing on September 23, 2008, the court maintained the restraining order. The court's restraining order expressly precluded visitation between Father and Christina; the court only authorized visitation with Mother and with Christina's siblings.

Father did not appeal the dispositional order, the restraining order entered after the disposition hearing, or the court's orders after the six-month and 12-month review hearings maintaining the restraining order. Moreover, Father never filed a section 388 petition or presented changed circumstances or new evidence to justify modifying the

⁵ Section 388, subdivision (a), provides a parent "may, upon grounds of change of circumstance or new evidence, petition the court . . . for a hearing to change, modify, or set aside any order of court previously made"

restraining order or permitting visitation by Father.⁶ (See § 388, subd. (a); *In re Natasha A.* (1996) 42 Cal.App.4th 28, 34-38.)⁷ Accordingly, Father may not challenge the court's prior orders or the denial of visitation with Christina prior to the 18-month review hearing.

However, Father did raise at the 18-month review hearing the issue of whether he should be permitted visitation going forward, although he tied this issue to the past denial of visitation. Father's counsel stated: "[T]he court should make a finding that reasonable services have not been provided or offered to [Father] and continue reunification services until a case plan which does provide for father-daughter visitation has been implemented and either succeeded or has been proved to fail." Accordingly, Father may appeal the juvenile court's denial of post-18-month review hearing visitation, and may argue the court's denial of such visitation is not supported by substantial evidence.⁸ (See *In re P.C.* (2006) 137 Cal.App.4th 279, 287-288 [while the "general principle of forfeiture prohibits parties from addressing on appeal issues not raised at trial[,] . . . the argument that a

⁶ At the six-month review hearing, the juvenile court noted the restraining order could be modified if there were a change of circumstances. The court stated: "[I]f there is a change with respect to the interest of the parties that will show that there should be some contact or some contact would not be any detriment to the parties, that will be considered by the [c]ourt and the order could be changed."

⁷ In his reply brief, Father argues he was not required to file a written section 388 petition to request visitation at the 18-month review hearing. However, assuming an oral request to modify the court's prior orders was sufficient, Father did not present any changed circumstances or new evidence to justify modifying the court's prior orders. (See *In re Natasha A.*, *supra*, 42 Cal.App.4th at p. 36 [assuming oral request for supervised visitation was effective, juvenile court's denial of request was proper where parent "failed to show sufficient changed circumstances"].)

⁸ In his opening brief, Father states the juvenile court failed to find on the record visitation with Father would be detrimental to Christina. Agency contends Father forfeited any argument the juvenile court's failure to make an express finding was error, because, at the hearing, Father did not ask the court to make an express finding. In any case, in his opening and reply briefs, Father makes no separate argument the court's failure to make an express finding was error and instead advances only the argument that no substantial evidence supports a finding of detriment.

judgment is not supported by substantial evidence is an ‘obvious exception to the rule’ ”].)

C. Substantial Evidence Supports the Juvenile Court’s Order.

Substantial evidence supports the conclusion visitation with Father after the 18-month review hearing would be detrimental to Christina, and thus supports the juvenile court’s continuation of its prior orders precluding visitation.⁹

Father submitted to, and the court sustained as true, the following allegations in the second amended petition: (1) there was a reasonable suspicion Father had sexually molested Christina; (2) Christina’s siblings had been exposed to verbal altercations between Mother and Father, including Father’s yelling at Mother and calling her names; and (3) Mother and Father had not provided adequate care for Christina’s severe mental health problems. These sustained allegations, along with other evidence in the record, provide ample support for the juvenile court’s order.

First, evidence visitation would be harmful to the minor’s emotional or psychological well-being supports the limitation or denial of visitation. (See *In re Julie M.*, *supra*, 69 Cal.App.4th at pp. 50-51; *In re Daniel C.H.* (1990) 220 Cal.App.3d 814, 838-839; *In re Danielle W.* (1989) 207 Cal.App.3d 1227, 1238-1239.) When she was detained, Christina had psychotic and dissociative symptoms. She was treated with psychotropic medications and attended therapy. Throughout the dependency proceedings, Christina continued to receive treatment for psychological and emotional problems. A therapist who worked with Christina reported (in September 2008) Christina appeared to be very traumatized and would need intensive trauma work. The therapist later noted (in January and March 2009) Christina had many intrusive memories

⁹ At oral argument before the juvenile court, Father’s counsel argued the court should find Father did not receive reasonable reunification services because Father was not permitted to visit Christina during the dependency proceedings. On appeal, however, Father does not advance this argument, and does not ask this court to reverse the determination he received reasonable services. Instead, Father’s sole argument is the juvenile court should have authorized *post*-18-month review hearing visitation with Christina.

and had questions about being safe. In addition, a psychological evaluation submitted to the court in March 2008 concluded Christina displayed “acute psychotic functioning that affects every area of her life experience.” Christina’s symptoms included hallucinations and delusions, as well as “motor rigidity, pressured and rapid speech, confusion, illogical thinking, and some thought disorder that includes bizarre ideas and associations.”

This evidence of Christina’s psychological difficulties, continuing trauma, and safety concerns, coupled with the sustained allegation of a reasonable suspicion Father sexually abused her, supports a conclusion visitation with Father could be disturbing or even traumatizing for Christina and could be detrimental to her psychological and emotional well-being. (See *In re Daniel C.H.*, *supra*, 220 Cal.App.3d at p. 839 [child’s psychological stress resulting from alleged sexual molestation by father supported denial of visitation].) Accordingly, there is substantial evidence supporting the court’s continuation of the restraining order barring visitation by Father.

Second, evidence of domestic violence by Father further supports a conclusion visitation would be detrimental and traumatizing to Christina. (See *In re Chantal S.* (1996) 13 Cal.4th 196, 201, 204, 212-214 [domestic violence by minor’s father in prior visits placed minor at risk of similar abuse, and thus supported limits on visitation].) In addition to the sustained allegation of verbal altercations between Father and Mother, Christina and her siblings reported other acts of domestic violence by Father. The jurisdiction/disposition report noted Christina had told her school psychologist Father hit her on her thighs. In August 2007, Christina told a social worker at Children’s Hospital in Oakland Father frequently slapped her cheek. Christina told the CWW in March 2008 Father used to “whoop” Christina and Mother. In September 2008, Christina’s therapist reported Christina said Father hit her with tree branches while Mother watched. After a court hearing in January 2009, Christina tried to get Mother to remember an incident in which Father “whooped” Christina for using a bicycle pump incorrectly. Christina’s sister B.P. stated she had heard, but not seen, Father hit Mother when he was “ ‘real drunk.’ ” During the reunification period, Mother’s therapist overheard a conversation in

which Father verbally abused Mother. Father testified he never “whipped” Christina, but admitted he threatened to do so on one occasion.

Father argues the evidence of domestic violence is not strong because Christina’s psychosis renders her statements unreliable and makes it difficult to determine what actually occurred. He also notes the evidence does not establish Christina was present during the verbal altercations between Father and Mother. Finally, he contends any concern he would be physically or verbally abusive during visits could be alleviated by providing for only supervised, therapeutic visitation. However, the evidence of Father’s physical and verbal abuse, reported not only by Christina but by others, including B.P. and Mother’s therapist, supports a conclusion visitation with Father could be disturbing or traumatizing to Christina.

Third, evidence Father only partially complied with his case plan further supports a denial of visitation. (See *In re Heather B.* (1992) 9 Cal.App.4th 535, 563.) During at least a portion of the reunification period, the CWW had difficulty contacting Father. When Father met with the CWW, Father did not inquire about Christina’s well-being. Agency received a referral alleging Father came to the family home in February 2008, in violation of the restraining order prohibiting contact with Christina’s siblings, and caused a disturbance, although Mother and Christina’s siblings later denied this had occurred. In addition, the staff at Christina’s group home and the CWW expressed concern Mother was relaying messages from Father to Christina. In May 2008, Father attempted to enter Christina’s group home with Mother to attend a treatment plan meeting.

Father did complete parenting classes, submitted to a sexual offender specific psychological evaluation, and participated in individual therapy sessions. While he also participated in a domestic violence program, he attended only approximately 17 of 52 sessions of the program. He also continued to minimize the severity of Christina’s psychological problems.

Father, relying on *Blanca P. v. Superior Court* (1996) 45 Cal.App.4th 1738 (*Blanca P.*), argues the allegations he sexually molested Christina, and his denials of those allegations, do not support a finding visitation would be detrimental. In *Blanca P.*,

the juvenile court sustained a petition alleging a father had molested his daughter, but a psychologist subsequently “*exonerated* [the father] of any propensity to sexually abuse children[.]” (*Id.* at pp. 1741-1742, 1744-1745.) Under these circumstances, the appellate court held the parents’ denial any molestation had occurred did not support a finding reunification services had been unsuccessful or a finding reunification would be detrimental. (*Id.* at pp. 1752-1753.)

Father notes the evidence here did not conclusively establish he molested Christina. The second amended petition dropped the allegation of sexual molestation under section 300, subdivision (d), and instead alleged a reasonable suspicion of sexual molestation under section 300, subdivision (b). A Children’s Hospital social worker reported Christina denied sexual abuse and refused to be examined for sexual or physical abuse. Christina’s sister, Sade, stated the bed in the basement workshop was for Sade and her baby (although she was not due to give birth for a few months). Father also consistently denied any molestation.

This case, however, is quite different from *Blanca P.* First, in contrast to the “exoneration” of the father in *Blanca P.*, the evidence here established a “reasonable suspicion” Father sexually molested Christina, and Father submitted on that allegation. Second, the court in *Blanca P.* found the evidence apart from the alleged molestation was not sufficient to support a finding of detriment, so the case hinged on the questionable finding of molestation. (See *Blanca P.*, *supra*, 45 Cal.App.4th at pp. 1747-1752.) Here, in contrast, there was ample evidence establishing visitation with Father would be detrimental, apart from the evidence of a reasonable suspicion of molestation. As discussed above, this included evidence of Christina’s emotional and psychological vulnerability, evidence of domestic violence, and evidence Father consistently only partially complied with his case plan. The finding of partial compliance, moreover, was not based solely on Father’s denial of the molestation allegations. There was also evidence he violated the restraining order, did not ask about Christina’s well-being, attended only a fraction of the sessions of his domestic violence program, and minimized the severity of Christina’s psychological problems.

Father's arguments essentially boil down to his claim the court should have permitted supervised, therapeutic visitation. But, although the record could have supported such an order, substantial evidence also supports the denial of visitation, and we will not disturb the juvenile court's resolution of this issue. (See *In re Daniel C.H.*, *supra*, 220 Cal.App.3d at p. 839 [affirming juvenile court order prohibiting visitation between child and father, where evidence of child's psychological stress resulting from alleged sexual molestation by father "might have supported an order of closely supervised visitation," but was "equally supportive of a no contact order"].) Further, as the juvenile court emphasized, Father may file a section 388 petition if a change of circumstances or new evidence supports a modification of the court's order. (§ 388, subd. (a).)

III. DISPOSITION

The juvenile court's May 26, 2009, order terminating reunification services for Mother and Father, ordering for Christina a permanent plan of placement in a group home and a specific goal of placement in a less restrictive setting, and authorizing visitation with Mother but not with Father, is affirmed.

Banke, J.

We concur:

Margulies, Acting P. J.

Dondero, J.